

THE HONORABLE JOHN C. COUGHENOUR

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE VALVE ANTITRUST
LITIGATION

CIVIL ACTION No. 2:21-cv-00563-JCC

**DECLARATION OF ASHLEY
PIERSON IN SUPPORT OF
MOTION TO KEEP NON-PARTY
BEST BUY'S HIGHLY
CONFIDENTIAL – ATTORNEY'S
EYES-ONLY INFORMATION
UNDER SEAL**

I, Ashley Pierson, declare the following:

1. I am Vice President and Category Officer for Computing and Gaming for Best Buy Enterprise Services, Inc. (“Best Buy”), a non-party in the above captioned action. I submit this Declaration in support of the Motion to Keep Non-Party Best Buy’s Highly Confidential – Attorney’s Eyes-Only Information under Seal (the “Motion to Seal”). I have personal knowledge of the matters set forth below and, if called upon to do so, I could and would competently testify thereto.

2. I understand that Plaintiffs filed under seal the opening expert report of Dr. Steven Schwartz, (Exhibit 1 to the Declaration of Alicia Cobb (Dkt. # 182-1 – under seal) (“Schwartz Report”) in support of Plaintiffs’ motion for class certification, which contains Best Buy’s confidential information. I also understand that Best Buy is concurrently moving to keep certain

1 portions of the Schwartz Report under seal, and I make this declaration in support of Best Buy's
2 Motion to Seal. I have reviewed the portions of the Schwartz Report that were disclosed to Best
3 Buy and explain below why portions of that report, highlighted in **Exhibit A** hereto, contain
4 sensitive and highly confidential information that would cause serious harm to Best Buy if publicly
5 released. Best Buy treats this information sensitively even within its own organization, and only
6 discloses it to a select group of individuals on a need-to-know basis.

7 3. The highlighted portion of the Schwartz Report is confidential and would result in
8 harm if publicly disclosed. Specifically, the highlighted market share information is derived from
9 non-public information regarding Best Buy's revenues between 2010 and 2023. If this information
10 were disclosed, along with the underlying revenue information from 2003 to 2023 upon which it
11 is based, Best Buy's competitors could use it to reverse engineer and calculate Best Buy's historic
12 and current revenue. Such a disclosure would harm Best Buy against its competitors. Best Buy
13 shares this information on a confidential and need-to-know basis.

14 4. These documents should remain sealed by the Court because the information
15 contained therein is confidential, proprietary, and/or otherwise entitled to protection under the law.

16 5. Best Buy is not a party in this action. Best Buy produced confidential and
17 proprietary documents and information in response to non-party subpoenas served on it by
18 Plaintiffs and Valve Corporation, respectively. Those documents were designated by Best Buy as
19 "Highly Confidential – Attorney's Eyes Only" and produced subject to the Stipulated Protective
20 Order entered by the Court in this action (Dkt. # 95).

21 6. As Vice President and Category Officer for Computing and Gaming at Best Buy, I
22 have been exposed to Best Buy's confidential sales, costs, and pricing information, as well as the
23 processes that Best Buy uses to maintain such confidential and proprietary information. Public
24 disclosure of this information would cause Best Buy significant and irreparable harm. The
25 information is so highly sensitive that its disclosure to a competitor and/or others could result in

1 competitive or commercial disadvantage to Best Buy. The requested relief is necessary and
2 narrowly tailored to protect only the information that is highly confidential and proprietary, and
3 would cause Best Buy to suffer irreparable harm if publicly disclosed.

4 7. Best Buy is in a highly competitive retail industry. It is in constant competition for
5 market share with other retailers. Among other things, this competition involves the need to
6 engage in strategic business planning and competitive analyses. Best Buy has maintained
7 extensive proprietary sales, costs, and pricing information. This information is confidential and is
8 not disclosed to competitors or customers.

9 I declare under penalty of perjury that the foregoing is true and correct.

10
11 DATED this 6/18/2024 day of June, 2024, at Richfield, Minnesota.

12 DocuSigned by:

13 *Ashley Pierson*

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15 Ashley Pierson

CERTIFICATE OF SERVICE

I certify under penalty of perjury that on June 20, 2024, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send a notification of the filing to the email addresses indicated on the Court's Electronic Mail Notice List.

Dated this 20th day of June, 2024.

/s/ Hannah Richter

Hannah Richter, Legal Assistant